

Tuesday, November 04, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-28. This is the time set for consideration of the Consent Agenda.

Chairperson Gibson: opens the floor to public comment; states he will not be voting on Item No. 21 due to a conflict of interest; and requests this item be pulled from the Consent Agenda for separate action.

The action taken for Consent Agenda items 1 through 20 and 22 through 28 on the following vote is indicated for each item.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Items Set for Hearing:

1. Introduction of an ordinance implementing the County fee schedule "A" for Calendar Year 2015 and fee schedule "B" for Fiscal Year 2015-16. Hearing date set for November 25, 2014. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. Introduction of an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. Hearing date set for November 25, 2014. District 2.

Mr. Richard Margetson; Mr. Chuck Cesena – Los Osos Sustainability Group; Ms. Linde Owen; and Ms. Julie Tacker: speak.

Chairperson Gibson: addresses two small potential modifications to Item Nos. 2 and 3 for consideration on November 25, 2014, 1) a standard for waterless urinal in commercial buildings; and 2) a discussion relating to the transfer conservation certificates from lots in the prohibition zone when an emergency drought declaration is in place.

The Board approves as recommended by the County Administrative Officer.

3. Introduction of an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water-efficient fixtures at time of sale. Hearing date set for November 25, 2014. District 2.

Mr. Richard Margetson; Mr. Chuck Cesena – Los Osos Sustainability Group; Ms. Linde Owen; and Ms. Julie Tacker: speaks.

The Board approves as recommended by the County Administrative Officer.

4. Introduction of an amendment to the Administration and Personnel Ordinance, Title 2 of the San Luis Obispo County Code relating to the issuance of General Plan Conformity Reports consistent with Government Code Sections 65401 and 65403. Hearing date set for November 25, 2014. All Districts.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

5. Request to approve the Board of Supervisors meeting calendar for 2015. All Districts.

The Board approves as recommended by the County Administrative Officer.

6. Thirty-day update on current drought conditions and related management actions for the Board's review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve an employment agreement with Wade Horton as the Director of Public Works and Transportation and adopt a resolution amending the salary range for this position. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-288, adopted.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

8. Request to approve a FY 2014-15 contract with Fulbright & Jaworski, LLP., a member of Norton Rose Fulbright, to provide Bond Counsel services; and authorize a budget adjustment in the amount of \$16,300 for Fund Center 277-Debt Service. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

9. Request to ratify a resolution recognizing the inaugural celebration of Dia de los Muertos in Mission Plaza in San Luis Obispo County. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-289, adopted.

10. Submittal of a resolution recognizing the 10 year anniversary of the Los Padres ForestWatch in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-290, adopted.

11. Request to re-appoint Kenneth W. Eberle to the Cambria Public Cemetery District. District 2.

The Board approves as recommended by the County Administrative Officer.

12. Request to appoint Erin Faulkner as a District 5 representative to the Water Resource Advisory Committee. District 5.

The Board approves as recommended by the County Administrative Officer.

13. Request to appoint Shirley Summers as a District 5 representative to the County Commission on Aging. District 5.

Ms. Kathleen Bellefontaine – Commission on Aging: speaks.

The Board approves as recommended by the County Administrative Officer.

14. Request to re-appoint Second District Supervisor Bruce Gibson to serve as their representative on the CSAC Board of Directors for the 2015 Association year and Third District Supervisor Adam Hill to serve as his alternate. All Districts.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speaks.

The Board approves as recommended by the County Administrative Officer.

15. Request to re-appoint Ray Hopkins to the Cambria Public Cemetery District. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

16. Request to approve four re-appointments to the Coastal San Luis Resource Conservation District Board and four re-appointments to the Upper Salinas-Las Tablas Resource Conservation District Board. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

17. Submittal of a resolution approving the transfer of County-owned land located in Avila Beach Community Park to the Avila Beach Community Services District to accommodate expansion of the Central Coast Aquarium and acceptance of a utilities easement to provide irrigation water for the park. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-291, adopted.

18. Request to delegate authority to the Interim Airport Director or designee, to negotiate, execute and amend a Memorandum of Agreement with the Rotary Club of San Luis Obispo de Tolosa Charities regarding the construction of a viewing area at the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer.

19. Request to approve a FY 2014-15 agreement with four (4) option years with Vanir Construction Management, Inc., (Clerk's file) in an amount not to exceed \$125,000 for the base term, to provide facility condition assessment services for County facilities. All Districts.

The Board approves as recommended by the County Administrative Officer.

20. Request to approve a Streambed Alteration Agreement with the California Department of Fish and Wildlife for the Juvenile Hall Expansion located at 1065 Kansas Avenue. District 2.

The Board approves as recommended by the County Administrative Officer.

22. Request to approve: 1) a First Lease Amendment for the Department of Social Services' 406 Spring Street Lease in Paso Robles and 2) a new Build-to-Suit Lease and Work Letter with James and Debra Saunders (dba J&D Properties) to provide additional office space for the Department of Social Services at 810 4th Street in Paso Robles for a period of up to 35 years. District 1.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Library Items:

23. Request to approve the New Cambria Library Second Memorandum of Understanding with the Cambria Friends of the Library, accepting its \$383,908 payment, and authorizing a \$311,896 increase to the County's Government Building Replacement Reserve and a \$72,012 increase to the Library's Facilities Planning Reserve. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Probation:

24. Submittal of a resolution authorizing the Chief Probation Officer to sign a three-year renewal Memorandum of Agreement with the Franchise Tax Board to continue participation in the Court-Ordered Debt Collection Program. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-292, adopted.

Consent Agenda - Public Works Items:

25. Submittal of a resolution authorizing execution of the notice of completion and acceptance of construction for the 2014 Pavement Surface Treatment Various County Roads, San Luis Obispo County. Districts 1, 2, and 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-293, adopted.

26. Submittal of bid opening report for the Olde Towne Nipomo Park and Ride Lot, Nipomo, to award the subject contract to CalPortland Construction, the lowest responsible bidder, in the amount of \$120,906. District 4.

The Board approves as recommended by the County Administrative Officer.

27. Request approval of Parcel Map CO 12-0045, a proposed subdivision resulting in 2 lots by Kim E. Aslandis, that has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map; and act on resolutions to accept offer of dedications for additional widening of Camino Caballo and a public trail easement, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2014-294 and 2014-295, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District:

28. Submittal of a resolution to continue emergency contracting for Nacimiento Water Pipeline repairs and authorize of the Director of Public Works to execute contracts for emergency contract work through a sole source process. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-296, adopted.

Pulled for separate action – General Services Agency Item:

21. Request to authorize the use of \$829,789 of General Fund Designation- Internal Financing and the use of an undisbursed loan in the amount of \$1,583,751 intended for the Rental Car Quick Turn Around (QTA) to provide the balance of funding necessary to pay off the Airport's \$2,413,540 Site N Hangar loan. All Districts.

Chairperson Gibson: steps down from this item due to a conflict of interest and is now absent.

Vice-Chairperson Mecham: takes over the meeting.

Mr. Dan Buckshi – County Administrative Officer: speaks.

The Board: 1) authorizes the use of \$829,789 of the General Fund Designation – Internal Financing as a funding source to refinance the Airport’s Site N Hangar loan and approves a corresponding budget adjustment in the General Fund loan; and 2) authorizes the use of an undisbursed loan intended for the Rental Car Quick Turn Around (QTA) Facility in the amount of \$1,583,751 to provide the balance of funding necessary to pay off the Airport’s \$2,413,540 Site N Hangar loan

Motion by: Adam Hill

Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Chairperson Gibson: is now present and takes over the meeting.

Ms. Julie Rodewald – County Clerk-Recorder: speaks to today’s election.

Presentations:

Chairperson Gibson: pulls Item No. 32 from the presentation calendar. The recipients are not present.

29.
- Submittal of a resolution to recognize November as National Adoption Month in San Luis Obispo County. All Districts.

Mr. Christopher Monza – Department of Social Services Division Manager: speaks.

RESOLUTION NO. 2014-297, a resolution proclaiming November as “National Adoption Month” in San Luis Obispo County, adopted.

Motion by: Adam Hill

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

30.
- Request to receive and file the Adult Services Policy Council Annual Report for FY 2013-14. All Districts.

Ms. Marie Brinkmeyer – Adult Services Policy Council Representative: speaks.

The Board receives and files the Adult Services Policy Council Annual Report for FY 2013-2014.

Motion by: Adam Hill

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			

Arnold, Debbie (Board Member)	x			
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31. Submittal of a resolution proclaiming November 2014 "Thank a Veteran Month" in San Luis Obispo County. All Districts.

Mr. Dana Cumming – Veterans Services Officer: speaks.

Chairperson Gibson: opens the floor to public comment.

Mr. Kevin Kennedy – Kennedy Club Fitness and Mr. Greg Shearer – Veterans Express: speak.

RESOLUTION NO. 2014-298, a resolution proclaiming November 2014 as "Thank a Veteran" month in San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson) Mecham, Frank R. (Vice Chairperson) Hill, Adam (Board Member) Ray, Caren (Board Member) Arnold, Debbie (Board Member)				

32. Submittal of resolutions recognizing County employees for their 30 years of service. All Districts.

This item is pulled from the presentation calendar. No action taken.

Public Comment Period:

33. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Mr. Chuck Cesena: reads a letter from a Los Osos Citizens Group regarding the Los Osos Wastewater Project (LOWWP).

Ms. Julie Tacker: speaks to the status of her public records request regarding the District 2 Supervisor and his Legislative Assistant.

Dr. C. Hite: speaks to a citizen's complaint she filed; and the purpose of public comment period.

Ms. Linde Owen: presents and discusses photographs of the damage in Los Osos from the sewer project.

Mr. Ben DiFatta: addresses concerns regarding the amount of funding spent for a Skateboard Park and the installation of concrete medians to slow down traffic on Santa Ysabel Avenue in Los Osos.

Mr. Tom Meinhold: addresses concerns regarding a large event at the Pike House Restaurant; presents a copy of modifications to the City of San Luis Obispo's Noise Ordinance; and urges the Board to look into similar regulations for unincorporated areas.

Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB): provides ideas to enhance the management of agendas and staff reports. No action taken.

Board Business:

34. Submittal of a resolution commending MidAmerican Solar for a \$50,000 donation to repair the Simmler Community Building, and request to create a new maintenance project in Fund Center (FC) 200 for Simmler Community Building Repairs, and approve a budget adjustment to consolidate previously authorized funding into one project. District 5.

Ms. Maria Kelly – MidAmerican Solar: speaks.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-299, a resolution commending MidAmerican Solar in recognition of their commitment to the community by supporting the project to repair the Simmler Community Building, adopted. Further, the Board approves the creation of a new maintenance project in Fund Center (FC) 200 for Simmler Community Building Repairs; and approves a budget adjustment to transfer approximately \$305,000 from previously authorized funding to a new maintenance project in FC 200 to consolidate funding from various sources into one project.

Motion by: Debbie Arnold
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

35.
- Report from the Economic Vitality Corporation (EVC) regarding its progress implementing its Economic Strategic Plan with financial support from the County and other sources. All Districts.

Mr. Mike Manchak; Ms. Christine Rogers; Mr. Victor Montgomery; Mr. Russ Levanway; and Mr. Kris Vardas – EVC: provide a powerpoint presentation.

Chairperson Gibson: opens the floor to public comment without response.

The Board receives the presentation. **No action taken.**

Hearings:

36.
- Hearing to consider a resolution to increase membership on the Shandon Public Cemetery District Board. District 1.

Chairperson Gibson: opens the floor to public comment.

Mr. Doug Alley – Shandon Public Cemetery District Board Member: speaks.

RESOLUTION NO. 2014-300, a resolution increasing the number of the board of trustee members for the Shandon Public Cemetery District, adopted.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

37.
- Hearings to consider seven proposals to establish agricultural preserves. Districts 1, 3, and 5.

A. FILE NUMBER: AGP2013-00006: Proposal by Niels Udsen to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 164 acre parcel is located within the Agriculture land use category at 3090 Ranchita Canyon Road, on the northern side of Ranchita Canyon Road at the intersection of Ranchita Canyon Road and Von Dollen Road, approximately 3.5 miles east of San Miguel. The site is in the North County-El Pomar-Estrella planning area. APNs: 019-

051-037, 043, 055; Supervisorial District No. 1.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-301, a resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

B. FILE NUMBER: AGP2013-00007: Proposal by Niels Udsen to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 185 acre parcel is located within the Agriculture land use category at 675 North Bethel Road, on the western side, approximately 2,000 feet south of the intersection of North Bethel Road and Highway 46, adjacent to the Templeton Urban Reserve line. The site is in the North County-Salinas planning area. APNs 040-061-005; 040-181-005; 040-111-010; Supervisorial District No. 1.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-302, a resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

C. FILE NUMBER: AGP2013-00004: Proposal by Douglas Ayres to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 40.5 acre parcel is located within the Agriculture land use category at 1205 Willow Creek Road, south of and abutting the intersection of Willow Creek Road, Peachy Canyon Road and Loose Horse Road, approximately 4 miles northwest of the intersection of Vineyard Drive and Highway 46 and approximately 5.5 miles northeast of the Urban Reserve Line of Templeton. The site is in the North County-Adelaida planning area. APN: 039-051-019; Supervisorial District No. 1.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-303, a resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

D. FILE NUMBER: AGP2013-00012: Proposal by Paper Street Vineyard to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 321 acre parcel is located within the Agriculture land use category at the terminus of Kiler Canyon Road, approximately 2 miles northwest of the intersection of Kiler Canyon Road and Arbor Road Drive and approximately 2.5 miles northwest of the intersection of Arbor Road and Highway 46 and approximately 3 miles northwest of the Urban Reserve Line of Paso Robles. The site is in the North County-Adelaida planning area. APN: 026-342-015; Supervisorial District No. 1.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-304, a resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

E. FILE NUMBER: AGP2014-00002: Proposal by La Bella Grande, LLC to establish an Agricultural Preserve to enable the applicant to enter into a land conservation contract. The property consists of approximately 1,074 acres located within the Agriculture land use category at 6186 West Pozo Road, on the southeastern side of West Pozo Road at its intersection with Highway 58, approximately 1 mile east of Santa Margarita. The site is in the North County / Salinas River Sub-area planning area. APN 070-095-001; Supervisorial District No. 5.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-305, a resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

F. FILE NUMBER: AGP2013-00013: Proposal by the Earl J. Darway Family Trust to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The subject parcel (from Lot Line Adjustment COAL14-0022) consists of 25 acres located within the Agriculture land use category at 215 Green Gate Road, approximately 400 feet north east of the intersection of Carpenter Canyon Road (Highway 227) and Price Canyon Road, 2.5 miles south east of the City of San Luis Obispo. The site is in the South County Planning Area, San Luis Obispo Sub Area South. APN: 044-161-008 (ptn.); Supervisorial District No. 3.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-306, a resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.

Motion by: Adam Hill

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

G. FILE NUMBER: AGP2013-000014: Proposal by the Earl J. Darway Family Trust to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The subject parcel (from Lot Line Adjustment COAL14-0022) consists of 46 acres located within the Agriculture land use category at 215 Green Gate Road, approximately 400 feet north east of the intersection of Carpenter Canyon Road (Highway 227) and Price Canyon Road, 2.5 miles south east of the City of San Luis Obispo. The site is in the South County Planning Area, San Luis Obispo Sub Area South. APNs: 044-401-042 & 044-161-008 (ptns); Supervisorial District No. 3.

Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2014-307, a resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.

Motion by: Adam Hill

Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

- 38.** CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION (Government Code, section 54956.9).
1. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9. No. of potential cases: 2. 2. Initiation of litigation pursuant to paragraphs (4) of subdivision (d) of Section 54956.9. No. of potential cases: 1

CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: 3. San Luis Obispo Government Attorney’s Union; 4. SLOCEA-Trades and Crafts; 5. Deputy County Counsel’s Association; 6. Sheriffs’ Management; 7. SLOCPPOA; 8. Deputy Sheriff’s Association; 9. DAIA; 10. SLOCPMPOA; 11. SLOCEA-Public Services, Supervisors, Clerical; 12. Unrepresented Management and Confidential Employees; and 13. ASLODS.

Chairperson Gibson: opens the floor to public comment without response and states Closed Session is cancelled.

Hearings:

- 39.** Hearing to consider an appeal by Avila Valley Advisory Council of the Subdivision Review Board’s approval of Tentative Parcel Map CO14-0021 and Development Plan/Coastal Development Permit SUB2013-00054 to allow subdivision of a 6,000 square foot parcel into two 3,000 square foot Planned Development parcels and construction of two single family units for vacation rentals located on Colony Lane within the community of Avila Beach. District 3.

(This item is amended, per the addendum to the agenda, by replacing the subject to read "Hearing to consider an appeal by Avila Valley Advisory Council of the Subdivision Review Board’s approval of Tentative Parcel Map CO14-0021, Development Plan/Coastal Development Permit SUB2013-00054,

and adoption of the proposed Mitigated Negative Declaration pursuant to CEQA to allow subdivision of a 6,000 square foot parcel into two 3,000 square foot Planned Development parcels and construction of two single family units for vacation rentals located on Colony Lane within the community of Avila Beach. District 3." Additionally, due to legal timing constraints, staff added two attachments: Attachment 4 - Revised Site Plan and Attachment 5 - Draft Minutes from October 6, 2014 Subdivision Review Board Hearing. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Ms. Megan Martin - Department of Planning and Building: reviews modifications to the Findings and Conditions of Approval in Exhibit A, Exhibit B, and Exhibit D.

Mr. Jim Hartig - Avila Valley Advisory Council (ACAC) Chairperson; Ms. Karla Bittner – Appellant’s Representative; and Ms. Jamie Kirk - Applicant’s Representative (Powerpoint): speak.

Chairperson Gibson: opens the floor to public comment.

Ms. Anne Brown: speaks.

Ms. Kirk and Mr. Hartig: provide closing statements.

On motion by Supervisor Adam Hill, seconded by Supervisor Frank R. Mecham, to approve staff’s recommendations with the revised Findings and Conditions of Approval presented by staff, is discussed.

Supervisor Ray: requests a modification to the Covenants and Restrictions (CC&R’s) to require the garages to stay open for parking.

The motion maker amends the motion to include the additional CC&R stated by Supervisor Ray, with the second agreeing.

Chairperson Gibson: outlines why he will not be supporting the motion.

The Board holds the public hearing on the appeal of the approval by the Subdivision Review Board; amends Exhibit A - Findings for Development Plan/Coastal Development Permit, by replacing Finding H. to read: “Modification of the location standard as set forth in section 23.08.165 – Residential Vacation Rentals may be modified to less than 50 feet for both residences from the nearest existing vacation rental because the project is consistent with all other provisions of the section and because there are specific conditions relative to the site including site location, access and onsite parking that justifies the residences to be used as a vacation rental. The site is located approximately 0.2 miles from Avila’s central business district and from recreation and visitor-serving uses and will provide for two off-street parking spaces per residence to limit street parking. The site is accessed from a private access driveway (Colony Lane) and fronts a main arterial road, making it easily accessible for visitors. The peculiar size and location of the lot between Avila Beach Drive on one side and Colony Lane on the other, across the street from the Avila Beach Golf Course, and surrounded by multifamily and parking lot uses, make the site most suitable for vacation rental uses. Given the visitor serving nature of the surrounding neighborhood, the unique location of the project site, off-street parking availability, private access driveway (Colony Lane), and because the proposed use would not create any significant impacts as conditioned, the project meets all CZLUO standards for Residential Vacation Rentals and the modification of the location standard is justified.”; amends Exhibit B - Conditions of Approval for Development Plan/Coastal Development Permit, Condition No. 13, by adding a new subsection d. to read: At least one guest parking space outside of the common use area and submit revised calculations illustrating the proposed project meets the requirements for planned developments (maximum floor area versus minimum open area.)”; and amends Exhibit D - Conditions of Approval for Tentative Parcel Map CO14-0021, Condition No. 15., by adding a subsection f. to read: “Maintenance of guest parking spaces.” and a new subsection g. to read: “Residents shall park their vehicles within their garages. Sufficient space shall be reserved at all times for vehicle parking within the garages. Residents may use their garages for storage if sufficient space is reserved for two vehicles per garage.” Furthermore, the Board approves the Mitigated Negative Declaration in accordance with applicable provisions of the California Environmental Quality Act (CEQA); and RESOLUTION NO. 2014-308, a resolution partially upholding and partially denying the appeal of the Avila Valley Advisory Council and affirming in part and modifying the decision of the Subdivision Review Board and conditionally approving the application

of Damien and Katheryne Mavis and Patrick Arnold for a tentative Parcel Map CO14-0021 and Development Plan/ Coastal Development Permit SUB2013-00054, adopted and based on the revised Findings in Exhibits A and C and revised Conditions of Approval in Exhibit B and D.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)		x		
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, November 04, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: November 14, 2014